IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 1032 of 2007(W)

PETITIONER:

T.RAJESH, LAB ASSISTANT (M.R.R.T.V),
SMSN VHSS VAIKOM, (RESIDING AT NALUKANDATHIL HOUSE
KARIPPADOM P.O., KOTTAYAM DISTRICT).

BY ADV. SRI.T.A.SHAJI
SRI.M.A.ASIF
SMT.T.V.NEEMA
SMT.RAGAM.S.MOHAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (SC DEPARTMENT),
SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR,
DIRECTORATE OF VOCATIONAL HIGHER SECONDARY
EDUCATION, THIRUVANANTHAPURAM.

3. SMSN VOCATIONAL HIGHER SECONDARY
SCHOOL, VAIKOM, REPRESENTED BY ITS MANAGER.

BY GOVERNMENT PLEADER SMT.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 1032 of 2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1-	TRUE COPY OF THE ORDER OF APPOINTMENT DATED 1.9.05 ISSUED BY THE MANAGER OF THE THIRD RESPONDENT
EXT.P2-	TRUE COPY OF THE SELECTION MEMO DATED 31.8.05 ISSUED BY THE 2ND RESPONDENT TO THE THIRD RESPONDENT
EXT.P3-	TRUE COPY OF THE COMMUNICATION DATED 30.12.05 ISSUED TO THE GOVERNMENT BY THE 2ND RESPONDENT
EXT.P4-	TRUE COPY OF THE COMMUNICATION DATED 24.2.06 ISSUED TO THE GOVERNMENT BY THE 2ND RESPONDENT
EXT.P5-	TRUE COPY OF THE COMMUNICATION DATED 15.6.04 ISSUED TO THE GOVERNMENT BY THE 2ND RESPONDENT
EXT.P6-	TRUE COPY OF THE COMMUNICATION DATED 5.7.2004 ISSUED BY THE GOVERNMENT
EXTP7-	TRUE COPY OF THE COMMUNICATION DATED 16.12.05 ISSUED TO THE 2ND RESPONDENT BY THE DIRECTOR HUMAN RESOURCE DEVELOPMENT
EXT.P8-	TRUE COPY OF THE COMMUNICATION DATED 20.5.06 ISSUED TO THE THIRD RESPONDENT BY THE SECOND RESPONDENT

(TRUE COPY)

P.A TO JUDGE

S.SIRI JAGAN,J

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W.P.(C).No.1032 of 2007

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Dated this the 30th day of October, 2007

JUDGMENT

The petitioner was appointed as Lab Assistant (MRRTV) in the 3rd respondent's school which is an aided school. Such appointment has not been approved yet on the ground that the petitioner does not possess the prescribed qualifications. Special Rules in aided Vocational Higher Secondary Sector has not been promulgated so far. By Ext.R2(a) dated 01.03.2004 Government directed that the draft special rules as approved by Public Service Commission is made applicable to aided sector also. As per the draft rules the qualification prescribed for Lab Assistant is pass in V.H.S.E Course in the concerned branch or equivalent qualification. The petitioner would submit that pass in ITI and ITC are equivalent to pass in V.H.S.E course. In support of the same, the petitioner relies on Exts.P4, P5 and P9. Ext.P4 is the recommendation from the Director of V.H.S.E to the Government recommending the case of the petitioner for approval of appointment, considering his qualifications as equivalent to V.H.S.E. Ext.P5 is the query from the Director to

the Government as to whether ITC can be regarded as equivalent to V.H.S.E. In Ext.P9 the Government has held that seven V.H.S.E courses will be treated as alternative qualifications for the selection to the posts in which K.G.T.E, KGCE,ITI and NCVT are the prescribed qualifications. One of the courses is Maintenance and Repairs of Radio and Television(MRRTV). The petitioner would contend that if pass in V.H.S.E can be treated as alternative qualification for ITI which is equivalent to ITC, ITC can also be treated as alternative qualification for the selection to the post for which V.H.S.E is the prescribed qualification.

2. The learned Government Pleader with the help of the counter affidavit disputes the contentions of the petitioner. According to the Government Pleader there is no Government Order recognising ITC or ITI as equivalent to V.H.S.E.

3. After hearing both sides I am of the opinion that in view of Exts.P4, P5 and P9, the Government should address itself as to the question whether pass in ITI or ITC can be considered as equivalent to pass in V.H.S.E. Orders in this regard shall be

passed within two months from the date of receipt of a copy of this judgment. The question approval of the petitioner's appointment as Lab Assistant shall be considered on the basis of the orders to be passed by the Government as directed above.

The writ petition is disposed of as above.

S.SIRI JAGAN, JUDGE

dvs